

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY,  
JOHN HANCOCK VARIABLE LIFE INSURANCE  
COMPANY, and INVESTORS PARTNER LIFE  
INSURANCE COMPANY,

Plaintiffs/Counter-Defendants,

V.

ABBOTT LABORATORIES,

Defendant/Counter-Plaintiff.

CIVIL ACTION  
NO. 03-12501-DPW

## JOINT MOTION FOR BRIEF EXTENSION OF DISCOVERY AND OTHER DEADLINES

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Investors Partner Life Insurance Company (collectively, “John Hancock” or “Plaintiffs”), and Defendant Abbott Laboratories (“Abbott” or “Defendant”) (collectively, with John Hancock, the “Parties”), jointly and respectfully move this Court to: (a) extend the deadline for completion of discovery in this action by three weeks, through and including August 20, 2004; (b) extend the deadline for cross-motions for summary judgment by one week, through and including September 24, 2004; and, (c) extend all other subsequent deadlines and scheduled dates by one week. The Parties bring this Joint Motion for the sole purpose of completing previously initiated discovery, including the depositions of previously identified Abbott and John Hancock current and former personnel. In support of this Joint Motion, the Parties state as follows:

1. Plaintiffs filed this action on December 12, 2003. Defendant answered and counterclaimed on January 21, 2004.

2. On March 30, 2004, the Parties appeared before the Court for an initial scheduling conference. Following that conference, on that same date, the Court issued a scheduling order that set forth the following deadlines: discovery to close on July 30, 2004; cross-motions for summary judgment be filed by September 17, 2004; responses to cross-motions for summary judgment due fourteen calendar days later, or by October 1, 2004; status report due October 7, 2004; and, further scheduling/status conference to be held on October 14, 2004.

3. Additionally, the Parties have worked diligently to complete all depositions prior to the July 30, 2004 discovery cutoff. Abbott has taken the depositions of four current or former John Hancock employees. John Hancock has deposed three current or former Abbott employees. Abbott currently intends to take three additional depositions of previously identified current or former John Hancock personnel, bringing Abbott's total to seven depositions. John Hancock presently intends to take five additional depositions of previously identified current or former Abbott personnel, bringing its total to eight depositions.

4. Despite their best efforts, the Parties were unable to conduct all of the above-referenced additional depositions prior to the original July 30, 2004 discovery cutoff, for reasons primarily including the Summer vacation schedules of the remaining witnesses and logistical problems created by the presence of the Democratic National Convention in Boston, where many of the depositions were to occur, during the week of July 26, 2000. Of the eight remaining deponents, four are former Abbott or John Hancock employees, and thus their schedules have been particularly difficult to coordinate.

5. Accordingly, the Parties have conferred and agreed that it will be impossible to complete the remaining depositions by July 30, 2004, and they estimate that they will need three additional weeks, or until August 20, 2004, to complete these depositions. Four of the eight

remaining depositions already have been tentatively scheduled, pending the Court's approval, for dates during the first three weeks of August – on August 12, 13, 17, and 19. The Parties are hopeful that the remaining four depositions will be tentatively scheduled, pending the Court's approval, within the next several days.

6. The Parties also have agreed that the necessary three-week enlargement of the discovery period will not allow for sufficient time for the Parties to meaningfully prepare cross-motions for summary judgment between the close of discovery and the current September 17, 2004 deadline for such motions. Accordingly, the Parties request that the deadline for summary judgment motions be extended by one week, through and including September 24, 2004, and that the deadline for responses to such motions also be extended by one week, through and including October 8, 2004 (14 days after filing of cross-motions for summary judgment).

7. Finally, the Parties have agreed that in light of the above-described requested extensions, a brief one-week extension of the current status report deadline (October 7, 2004) and further scheduling/status conference date (October 14, 2004) is necessary so that the Parties may devote sufficient time to the status report and properly prepare for the further scheduling/status conference.

8. This is the Parties' first request for an extension. As this is a joint motion and request, neither Party will be prejudiced by allowance of the motion. Further, the requested extensions will not result in any significant delay in resolution of the matter.

WHEREFORE, the Parties respectfully request that the Court enter an order extending the discovery, summary judgment, and other deadlines in this matter, as follows:

Close of Discovery:	August 20, 2004
Cross-Motions for Summary Judgment Due:	September 24, 2004
Responses to Cross-Motions for Summary Judgment Due:	October 8, 2004
Status Reports Due:	October 14, 2004
Further Scheduling/Status Conference:	October 21, 2004 (or some other date convenient for the Court)

Respectfully submitted,

ABBOTT LABORATORIES,

By its attorneys,

/s/ Michael S. D'Orsi

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Date: July 29, 2004

JOHN HANCOCK LIFE INSURANCE  
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LIFE INSURANCE COMPANY; and  
INVESTORS PARTNER LIFE INSURANCE  
COMPANY,

By their attorneys,

/s/ Karen Collari Troake

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**Certification of Counsel**

Pursuant to LR 7.1(A)(2), undersigned counsel for John Hancock hereby certifies that on July 27, 2004, counsel for John Hancock conferred in good faith with counsel for Abbott, and the parties agreed that this motion would be filed jointly.

/s/ Karen Collari Troake

Karen Collari Troake